

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Oklahoma City School District I-89)	File No.
Oklahoma City, Oklahoma)	NEC 471.03-16-00.29900007
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: October 31, 2003

Released: November 3, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Division is a Request for Review by Oklahoma City School District I-89 (Oklahoma City), Oklahoma City, Oklahoma.¹ Oklahoma City requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Oklahoma City's Funding Year 1999 requests for discounts under the schools and libraries universal service support mechanism.² For the reasons set forth below, we deny the Request for Review.

2. On March 16, 2000, Oklahoma City submitted a Funding Year 1999 FCC Form 471 with six funding requests for internal connections.³ Each of the requests cited in support FCC Form 470 No. 218470000265649, which had been posted on December 10, 1999.⁴ On October 24, 2000, SLD issued a letter rejecting the six requests on the grounds that "[t]he Form

¹ *Request for Review of the Decision of the Universal Service Administrator By Oklahoma City School District I-89*, CC Docket Nos. 96-45 and 97-21, Request for Review, filed October 12, 2001 (Request for Review).

² *Id.* Previously, Funding Year 1999 was referred to as Funding Year 2. Funding periods are now described by the year in which the funding period starts. Thus the funding period that began on July 1, 1999 and ended on June 30, 2000, previously known as Funding Year 2, is now called Funding Year 1999. The funding period that began on July 1, 2000 and ended on June 30, 2001 is now known as Funding Year 2000, and so on.

³ FCC Form 471, Oklahoma City School District I-89, NEC 471.03-16-0029900007, filed March 16, 2000 (Year 1999 Form 471).

⁴ *Id.*; FCC Form 470, Oklahoma City School District I-89, posted December 10, 1999 (Oklahoma City Form 470).

470 cited for [these] funding request[s] has an allowable contract date that is after the close of the [Year 1999] window on [April 6, 1999].”⁵

3. On October 12, 2000, Oklahoma City appealed to SLD, arguing that the requests should not be denied merely because its funding requests were necessarily filed after the close of the application window.⁶ Oklahoma City argued that the application window rules, while giving higher priority to those applications filed within the window, did not foreclose the possibility that funding requests filed after the close of the window could be granted, if sufficient funds were available after all valid in-window requests were funded.⁷

4. On September 12, 2001, SLD denied the appeal.⁸ It determined that the reasoning of the Rejection Letter was incorrect, but found that the denial was proper on other grounds. Specifically, SLD found that Oklahoma City had specified in Block 1, Item 2 of the FCC Form 470 cited in support of Oklahoma City’s Funding Year 1999 requests, FCC Form 470 No. 218470000265649, that the funding year for which Oklahoma City was seeking services was Funding Year 2000, not Funding Year 1999.⁹ SLD stated that “[v]endors responding to your Form 470 would be lead [sic] to believe that you were requesting bids for services to be delivered between July 1, 2000 through June 30, 2001 [and, therefore, that] a Funding Year [2000] Form 470 is not a valid Form 470 for the purpose of establishing the bidding for Funding Year [1999] Services.” Thus, SLD concluded that the Funding Year 1999 Form 471 was properly denied because it failed to reference a valid Funding Year 1999 Form 470.

5. Oklahoma City then filed the pending Request for Review. In its Request for Review, Oklahoma City argues that at the time that it posted its FCC Form 470 using the on-line application system, the system did not permit an applicant to select Funding Year 1999 when filling out the funding year in Block 1, Item 2.¹⁰ Oklahoma City argues further that no vendor would have been misled into believing that Oklahoma City was requesting discounts for Funding Year 2000. Oklahoma City reasons that the extended Funding Year 1999 window closed shortly before the end of Funding Year 1999, and therefore any additional funding commitments for Funding Year 1999 would be made during Funding Year 2000.¹¹

⁵ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Russell Woodward, Oklahoma City School District I-89, dated October 24, 2000 (Rejection Letter).

⁶ Letter from Orin Heend, Funds for Learning, on behalf of Oklahoma City School District I-89, to Schools and Libraries Division, Universal Service Administrative Company, filed October 12, 2001 (Appeal to SLD).

⁷ *Id.*

⁸ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Marvin Crawford, Oklahoma City School District I-89, dated September 12, 2001 (Administrator’s Decision on Appeal).

⁹ *Id.* at 2.

¹⁰ *Id.* at 3.

¹¹ *Id.*

6. As a result, Oklahoma City asserts that the only way it could have received discounts for Funding Year 1999 during the March 2000 filing period was to select Funding Year 2000 in Block 1, Item 2 of its FCC Form 470. Oklahoma City states that the on-line system did not permit it to file a Funding Year 1999 form.¹² However, the Commission rejected this argument in the *Henrico Order*, observing that SLD adequately instructed applicants how to apply for Funding Year 1999 funds with the Funding Year 2000 Forms 470, by indicating on their Year 2000 Forms 470 that they were seeking services for Funding Year 1999.¹³ As was the case in the *Henrico Order*, Oklahoma City's Funding Year 2000 FCC Form 470 was clearly intended to support its Funding Year 2000 applications for funding, not its Funding Year 1999 application.¹⁴ In fact, Oklahoma City's various Funding Year 2000 FCC Forms 471 each cited the same FCC Form 470 as the Funding Year 1999 Form 471, Form 470 No. 218470000265649. Thus, the record supports SLD's denial, based on its conclusion that the FCC Form 470 at issue in the instant Request for Review was intended for requests in Funding Year 2000, rather than for the previous funding year.¹⁵ Therefore, consistent with the Commission's precedent established in the *Henrico Order*, we affirm SLD and deny the Request for Review.

7. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Oklahoma City School District I-89, Oklahoma City, Oklahoma on October 12, 2001 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

¹² Request for Review at 3-4.

¹³ See *Request for Review of the Decision of the Administrator by Henrico County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, WC Docket Nos. 96-45 and 97-21, Request for Review, File No. SLD-209024, Order, FCC 02-315 (rel. November 20, 2002) (*Henrico Order*).

¹⁴ *Id.*; see also FCC Form 471 Nos. 198150, 198228, 198229, Oklahoma City School District I-89, filed January 13, 2000; FCC Form 471 No. 181036, Oklahoma City School District I-89, filed January 6, 2000 (Oklahoma City Funding Year 2000 Forms 471).

¹⁵ Oklahoma City Funding Year 2000 Forms 471.